

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL OWEN GARDNER,  
Plaintiff,  
v.  
CDCR, et al.,  
Defendants.

No. 1:24-cv-00933-JLT-SAB (PC)  
ORDER TERMINATING ACTION  
PURSUANT TO PARTIES STIPULATION  
FOR VOLUNTARY DISMISSAL  
(ECF No. 35)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On August 18, 2025, the parties filed a stipulation to dismiss this action with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, as the case has been resolved in its entirety. (ECF No. 35.)

Rule 41(a)(1)(A)(ii) provides in pertinent part that, “the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared. A voluntary stipulation to dismiss an action pursuant to Rule 41(a)(1)(A)(ii) automatically terminates the action without operation of a court order.” Black Rock City, LLC v. Pershing Cty. Bd. of Comm’rs, 637 F. App’x 488 (9th Cir. 2016) (citing Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1077 (9th Cir. 1999)). Here, Plaintiff and counsel for Defendants have signed

1 and dated a stipulation to dismiss this action, and filed it with the Court.

2 In light of parties' stipulation for voluntary dismissal, this action is terminated by operation  
3 of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(ii). Each party is to bear  
4 its own litigation costs and attorney's fees. The Clerk of the Court is directed to terminate all  
5 pending motions and deadlines and close this action.

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7 IT IS SO ORDERED.

8 Dated: August 19, 2025



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9 STANLEY A. BOONE  
10 United States Magistrate Judge

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